

HOUSE BILL 559

By Marsh

AN ACT to amend Tennessee Code Annotated, Title 4;  
Title 63 and Title 68, relative to certified medical  
assistants.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 11, Part 2, is amended by  
adding the following as a new section:

(a) As used in this section:

(1) "Certified medical assistant" means personnel with training to function  
in an assistive role to a licensed physician or nurse in the provision of patient  
care activities in a facility used as an ambulatory clinic or hospital outpatient  
department as delegated by the physician or nurse; and

(2) "Licensed nurse" means a nurse who is licensed under title 63,  
chapter 7.

(b) Physician assistants licensed under title 63, chapter 19 and medication aides  
certified under § 63-7-127 are not subject to the certification requirements or practice  
restrictions of this section.

(c) A hospital licensed under this title may employ certified medical assistants to  
administer approved medications to its patients in a facility used as an ambulatory clinic  
or hospital outpatient department as set forth in this section.

(d) When carrying out responsibilities under this section, a certified medical  
assistant shall wear a name tag visible to others that displays the designation "certified  
medical assistant".

(e) An individual employed as a certified medical assistant within a facility used as an ambulatory clinic or hospital outpatient department shall register with the department of health on a form prescribed and provided by the department in writing or via online application. The individual shall also pay the applicable registration fee established by the department.

(f) To be eligible to register as a certified medical assistant, an applicant must:

- (1) Be at least eighteen (18) years of age;
- (2) Have completed the twelfth grade or its equivalent, or have successfully passed the test for and received a general equivalency diploma; and
- (3) Be certified by the:
  - (A) American Medical Technologists (AMT);
  - (B) American Association of Medical Assistants (AAMA);
  - (C) National Center for Competency Testing (NCCT);
  - (D) National Healthcareer Association (NHA);
  - (E) National Association for Health Professionals (NAHP); or
  - (F) Another certifying body approved by the department.

(g) A certified medical assistant registration is valid for two (2) years unless the registration is earlier suspended or revoked. The certificate may be renewed in accordance with procedures specified in rules promulgated by the department under this section.

(h)

(1) The department has the power to deny, revoke, or suspend the registration of a certified medical assistant upon proof that the certified medical assistant:

- (A) Is guilty of fraud or deceit in procuring or attempting to procure registration as a certified medical assistant;
- (B) Is guilty of a felony;
- (C) Is addicted to alcohol or drugs to the degree of interfering with the certified medical assistant's professional duties;
- (D) Is mentally incompetent;
- (E) Is unfit or incompetent by reason of negligence, habit, or other cause, including the following:
  - (i) Intentionally or negligently causing physical or emotional injury to a patient;
  - (ii) Failing to assist in maintaining a facility record for patients that accurately reflects the duties of the certified medical assistant;
  - (iii) Using or removing without authorization drugs, supplies, or equipment from a healthcare facility;
  - (iv) Using an intoxicating beverage or illegally using a narcotic or dangerous drug while on duty in a healthcare facility;
  - (v) Being under the influence of alcoholic beverages, or under the influence of drugs that impair judgment while on duty in a healthcare facility;
  - (vi) Impersonating another licensed or certified healthcare provider;
  - (vii) Having received a revocation, suspension, probation, or other discipline of a certificate to practice as a certified medical assistant, or its equivalent, by another state for an act or omission

that would constitute grounds for the revocation, suspension, probation, or other discipline of a certificate in this state;

(viii) Practicing as a certified medical assistant registered in this state while the individual's registration has expired;

(ix) Aiding, abetting, or assisting an individual to violate or circumvent a law or duly promulgated rule intended to guide the conduct of a certified or licensed healthcare provider;

(x) Exercising undue influence on a patient, including the promotion or sale of services, goods, appliances, or drugs in such a manner as to exploit the patient for financial gain of the certified medical assistant or of a third party;

(xi) Discriminating in the rendering of services as it relates to race, age, sex, religion, national origin, or the condition of the patient;

(xii) Violating confidentiality of information or knowledge concerning a patient, except when required to do so by a court of law;

(xiii) Failing to take appropriate action in safeguarding the patient from incompetent healthcare practices;

(xiv) Failing to report, through proper channels, facts known to the individual regarding incompetent, unethical, or illegal practices of a healthcare provider;

(xv) Performing healthcare techniques or procedures without proper education and practice; or

(xvi) Engaging in acts of dishonesty that relate to the practice of a certified medical assistant;

(F) Is convicted of one (1) or more of the following crimes:

(i) First degree murder, § 39-13-202;

(ii) Second degree murder, § 39-13-210;

(iii) Kidnapping, § 39-13-303;

(iv) Aggravated kidnapping, § 39-13-304;

(v) Especially aggravated kidnapping, § 39-13-305;

(vi) Aggravated robbery, § 39-13-402;

(vii) Especially aggravated robbery, § 39-13-403;

(viii) Aggravated rape, § 39-13-502;

(ix) Rape, § 39-13-503;

(x) Exploitation of an adult under § 39-14-111 [repealed];

(xi) Abuse, neglect, or exploitation of an adult under § 71-6-117; or

(xii) A crime categorized as child sexual abuse under § 37-1-602(a)(3); or

(G) Furnished or otherwise provided the department with false or incomplete information on an application for registration.

(2) Disciplinary actions taken by the department under this section must conform to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(i) Certified medical assistants shall not administer medications to hospital inpatients or patients in an emergency department.

(j)

(1)

(A) A certified medical assistant may administer approved, standardized dosage vaccines to the patients of an ambulatory clinic or hospital outpatient department that use certified medical assistants pursuant to this section. A certified medical assistant shall administer other medications only pursuant to delegation by a licensed nurse.

(B)

(1) A delegation of medication administration or other nursing tasks to a certified medical assistant from a professional nurse must be carried out in accordance with the rules for nursing delegation adopted by the board of nursing.

(2) The board of nursing shall promulgate rules related to the administration of vaccines by certified medical assistants registered by the department under this chapter.

(C)

(1) A delegation of medication administration or other tasks to a certified medical assistant from a physician must be carried out in accordance with the rules for nursing delegation adopted by the board of medical examiners.

(2) The board of medical examiners shall promulgate rules related to the administration of vaccines by certified medical assistants registered by the department under this chapter.

(D) A certified medical assistant may only administer vaccines after:

(i) An individual is assessed by a physician or licensed nurse; and

(ii) The physician or licensed nurse makes a determination that it is appropriate for the individual to receive the immunization administered by a certified medical assistant.

(2) In exercising the authority to administer medications pursuant to a physician's or licensed nurse's delegation, a certified medical assistant may administer only those medications that have been ordered by an authorized healthcare provider and are in single-dose, appropriately labelled, ready-to-administer packaging, including the following categories:

(A) Intramuscular or subcutaneous medications;

(B) Oral, sublingual, and buccal medication;

(C) Topical creams and ointments;

(D) Saline solutions for simple wound irrigation;

(E) Eye drops;

(F) Inhalation treatments, either metered hand-held inhalants or unit dose nebulizers;

(G) Ear medications; or

(H) Nasal medications.

(3) A certified medical assistant who holds a current and unencumbered registration with the department may engage in other patient care activities as delegated by a physician or licensed nurse, including, but not limited to, vital sign measurement, phlebotomy, simple dressing changes, collection of patient's medical history data, or preparation of patient care areas. A licensed nurse shall not delegate patient care activities that require nursing judgement in altering care

delivery based on the needs of the individual. A physician shall not delegate patient care activities that constitute the practice of medicine or require diagnostic analysis.

(k) A physician or licensed nurse shall not delegate to a certified medical assistant the administration of:

- (1) Intravenous medications;
- (2) Blood or blood products;
- (3) Investigational drugs;
- (4) Chemotherapy drugs;
- (5) Drugs given through an implanted device;
- (6) Insulin;
- (7) Controlled substances;
- (8) Anesthetic agents;
- (9) Medications used for cosmetic procedures;
- (10) A medication requiring calculation of dosage; or
- (11) A medication requiring patient monitoring and assessment of response when a licensed nurse or physician is not immediately available to provide monitoring or assessment.

(l) The department of health shall promulgate rules to effectuate the purposes of this section. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it, for purposes of rule promulgation, establishing a registration process, and effectuating the intent of this act. All other provisions of this act take effect January 1, 2022, the public welfare requiring it.